NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

JOSE DEL ROSARIO, :

: Civil Docket No. 11-1312 (FSH)

Plaintiff,

v. : <u>ORDER</u>

IAM UNION DISTRICT LODGE 142, : March 17, 2011

Defendant.

HOCHBERG, District Judge:

This matter having come before the Court upon *pro se* Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915, and Plaintiff having filed a Complaint on March 8, 2011; and

this Court having reviewed Plaintiffs' indigency status and having *sua sponte* screened the Complaint pursuant to 28 U.S.C. §1915(e)(2)(B) to determine if it is frivolous or fails to state a claim; and

it appearing that Plaintiff's Complaint is frivolous in that, giving Plaintiff all reasonable inferences, the Complaint raises no federal grounds upon which relief may be granted, 1 nor does

¹ Plaintiff asserts a claim against the IAM Union District Lodge 142 for failure to represent him during a grievance process against his employer, Continental Airlines. However, while Plaintiff outlines those basic facts, he does not set forth a federal cause of action.

it provide a basis upon which this Court might exercise diversity jurisdiction,²

IT IS on this 17th day of March, 2011, hereby

ORDERED that Plaintiff's application to proceed *in forma pauperis* is **GRANTED**; and it is further

ORDERED that Plaintiff may file an Amended Complaint by April 15, 2011 to state a valid cause of action against Defendant; and it is further

ORDERED that if Plaintiff fails to file an Amended Complaint that comports with this Order, his Complaint will be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(I).

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.

² Plaintiff does not set forth his own citizenship, nor that of the Defendant, nor does he provide any basis upon which this Court might conclude that the amount in controversy is sufficient to meet the statutory requirements.